

A.C.A. § 20-17-104

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Title 20 Public Health And Welfare
Subtitle 2. Health And Safety
Chapter 17 Death and Disposition of the Dead
Subchapter 1 -- General Provisions

A.C.A. § 20-17-104 (2012)

20-17-104. Withholding cardiopulmonary resuscitation in nursing facilities for unwitnessed deaths.

(a) As used in this section:

- (1)** "Dependent lividity" means clear demarcation of pooled blood within the body;
- (2)** "Nursing facility" means the same as long-term care facility as defined in § 20-10-101; and
- (3)** "Rigor" means that major joints such as the jaw, shoulders, elbows, hips, or knees are immovable.

(b) Licensed nurses employed by nursing facilities may withhold cardiopulmonary resuscitation from residents of the facility, regardless of the presence or absence of a Do Not Resuscitate Order when:

- (1)** The death of the resident was unwitnessed; and
- (2)** The body evidences clear and unmistakable:
 - (A)** Dependent lividity; or
 - (B)** Rigor.

(c) In cases of unwitnessed deaths under subsection (b) of this section, the following conditions also must be present:

- (1)** Respirations are absent for at least thirty (30) seconds;
- (2)** Carotid pulse is absent for at least thirty (30) seconds;
- (3)** Lung sounds auscultated by stethoscope bilaterally are absent for at least thirty (30) seconds; and
- (4)** Both pupils, if accessible, are nonreactive to light.

(d) The nursing facility shall document the presence of the above-listed conditions in the resident's records.

records.

(e) (1) Nursing facilities and licensed nurses of nursing facilities who withhold cardiopulmonary resuscitation under this section are not liable for administrative sanctions, civil damages, or subject to criminal prosecution for their actions or the actions of others based on the withholding of cardiopulmonary resuscitation.

(2) A person who acts in good faith reliance of a nursing facility's or nursing facility employee's withholding cardiopulmonary resuscitation under this section is not liable for administrative sanctions, civil damages, or subject to criminal prosecution for the person's actions.

HISTORY: Acts 2009, No. 718, § 1; 2011, No. 1121, § 6.